

U.S. Department of Justice



*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

August 20, 2020

BY CM/ECF

The Hon. Katherine Polk Failla
United States District Court for the
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Michael Barreto, 19 Cr. 909 (KPF)*

Dear Judge Failla:

The Government writes to respectfully request an adjournment of the conference currently scheduled for August 26, 2020, and an order excluding time under the Speedy Trial Act from August 26, 2020, to September 8, 2020.

On or about December 17, 2019, the grand jury returned an indictment charging defendant Michael Barreto with three counts of enticing a minor, in violation of 18 U.S.C. §§ 2422(b) and 2; two counts of sexual exploitation of a minor, in violation of 18 U.S.C. §§ 2251(a), (e) and 2; and one count of possession of child pornography, in violation of 18 U.S.C. §§ 2252A(a)(5)(B), (b)(2), and 2. At the last status conference in this case, held via teleconference on June 24, 2020, the Court scheduled a conference for August 26, 2020, at 11:00am. However, in communications with Chambers, the Government has learned that the defendant, who is currently in custody, will not be able to participate in the conference on August 26. The Government has learned that the defendant may be able to participate on September 8, 2020, at 9:00am. Accordingly, the Government seeks an adjournment of the status conference until September 8, 2020, at 9:00am.

The Government requests an order excluding time under the Speedy Trial Act from August 20, 2020, to September 8, 2020. The ends of justice served by holding the conference on September

8, 2020, outweigh the best interests of the public and the defendant in a speedy trial because it will permit the defendant to participate in the conference. *See* 18 U.S.C. § 3161(h)(7)(A).

Respectfully submitted,

AUDREY STRAUSS
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by: /s/
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Application GRANTED. The status conference currently scheduled for August 26, 2020, is hereby ADJOURNED to September 8, 2020, at 9:00 a.m. The status conference will take place on a remote basis, and instructions for accessing the conference will be provided separately. Moreover, based on the Government's motion in its letter of August 20, 2020 (Dkt. #17), it is ORDERED that time be excluded under the Speedy Trial Act between August 26, 2020, and September 8, 2020. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and Defendant in a speedy trial because it will allow Defendant to participate in the status conference by video.

Dated: August 20, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE